IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CA No. 8673 of 07 and MCA (St) No. 17807 of 07
Smt Kausalyabai and ors v. Santosh and ors

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. Court's or Judge's Orders.

Mr R.R. Vyas, Adv for applicants.

Coram: B.P. Dharmadhikari, J
Dated : 4th December 2007

Civil Application No. 8673 of 07: The present applicants filed Second Appeal (St) 10005 of 2007 (rejected SA No. 736 of 07) within time. However, as certified copy of counter-claim was not filed, the Registry pointed out the lacuna and time was given to appellants to remove office objection. The appellants thereafter applied for certified copy of counter-claim and after receipt of certified copy, it was sought to be filed. However, in the mean-while, second appeal was dismissed as the office refused registration as per orders of learned Registrar dated 4.10.2007.

In the circumstances, for reasons given in Civil

Application No. 8673 of 2007, delay of eleven days in filing MCA (St) No. 17807 of 07 is condoned subject to payment of costs of Rs. 300/- to be deposited with High Court Legal Services, Sub-committee at Nagpur within one week from today.

MCA (St) No. 17807 of 07: If the costs, as mentioned above, are deposited within the stipulated period, order of learned Registrar dated 4.10.2007 refusing registration shall stand withdrawn and rejected Second appeal No. 736 of 2007 shall stand restored back to file. The applicants-appellants shall in that event immediately while pointing out payment of costs, shall also file certified copy of counter-claim and remove office objections, if any.

C.A. No. 8673 of 07 and MCA (St) No. 17807 of 07 are accordingly disposed of.

Judge.

hsj